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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,421	04/10/2006	Robertus Albertus Brondijk	NL031269US1	3754

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BUTCHER, BRIAN M

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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05/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,421	Applicant(s) BRONDIJK, ROBERTUS ALBERTUS	
	Examiner BRIAN BUTCHER	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>30 March 2010, 30 March 2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 1 – 14 remain rejected for the reasons set forth in the previous Office Action mailed 11/25/2009.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 3 and 5 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (United States Patent US 7,184,377 B2), hereinafter referenced as Ito, in view of Weijenbergh et al. (United States Patent US 7,082,092 B2), hereinafter referenced as Weijenbergh, and further in view of Yoon et al. (United States Patent Application Publication US 2003/0002420 A1), hereinafter referenced as Yoon.

Claims 9, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito, in view of Yoon.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito, in view of Weijenbergh, in view of Yoon, and further in view of Ueki (United States Patent US 6,678,236), hereinafter referenced as Ueki.

Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito, in view of Yoon, and further in view of Ueki.

Response to Arguments

Applicant's arguments filed 02/19/2010 have been fully considered but they are not persuasive.

Regarding the grouped argument concerning each of the rejections concerning claims **1, 5, 9, and 12** (Remarks, page 10, lines 3 – 8), the Examiner agrees that Ito does not disclose or suggest the features listed from line 3 to line 8 by Applicant. Also, the Examiner agrees with the Applicant's characterization of both Weijenbergh and Yoon from page 10, line 9 to page 11, (Remarks, to the end of indented citation). As indicated in the previous Office Action, Weijenbergh is relied upon to teach "a subsequent finalization step of writing information patterns representing control information in the inner control information areas and the outer control information areas of said first and second information layers" (Office Action, page 3, lines 18 – 21). Notice that Weijenbergh is also applied to claim 5, but is not applied to the rejections set forth for either of claims 9 or 12. Specifically, other than at the time of the conclusion of recording when a lead-out is written during finalization, the Examiner agrees with Applicant that Weijenbergh "has nothing to do with when [both of user information and control information] are written on a second layer of the disc." (Remarks, page 11, lines 9 - 10 (omitting lines of indented citations)). In addition, in the previous Office Action, Yoon is relied upon to teach "after the writing user information act and before a jump to a second information layer for writing further user information in the second information layer, writing control information in a control area of the second information layer"

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(Office Action, page 8, lines 7 - 9). Specifically, notice that the Examiner does not rely upon Yoon to teach any other features than those described above and therefore the Examiner agrees with Applicant that Yoon “has nothing to do how tracking is maintained and does not disclose or suggest that “after writing control information act, writing the further user information in a user information area of the second information layer” ” (Remarks, page 12, lines 1 – 4). Notice that the Examiner relies upon Ito for the teaching of the above limitation discussed in the Remarks (“after ...layer”) (Office Action, page 8, lines 14 – 17).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN BUTCHER whose telephone number is (571)270-5575. The examiner can normally be reached on Monday – Friday from 6:30 AM to 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young, can be reached at (571) 272 - 7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BMB/

Examiner, Art Unit 2627

May 22, 2010

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627